

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

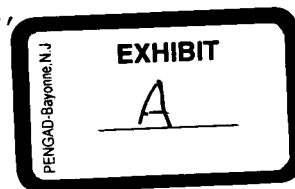
CHARLES ANTHONY KEGLER, #127802)
Plaintiff)
)
VS.) CIVIL ACTION NO.2:05-CV-619-F
) (WO)
WARDEN G. MOSLEY, et.al.,)
)
Defendants.)

AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for said County and State of Alabama at Large, personally appeared Gwendolyn C. Mosley, who being known to me and being by me first duly sworn, deposes and says under oath as follows:

My name is Gwendolyn C. Mosley and I am presently employed as a Correctional Warden III, employed by the Department of Corrections, Easterling Correctional Facility, 200 Wallace Dr., Clio, AL 36017. I am over twenty-one (21) years of age.

Inmate Charles Kegler was transferred from Hamilton A & I to Easterling Correctional Facility on April 26, 2005. Inmate Kegler's complaint that the water supply here at Easterling is contaminated and causes serious health problems is false. Our water supply is tested annually and our facility receives a test report from the City of Clio annually (Exb.#1). Our Administrative Lieutenant asked the City of Clio if they have received any health complaints regarding the drinking water. They advised that there have been no health complaints related to water consumption (Exb.#2). According to our Health Care Unit's Health Services Administrator, Ms. Kay Wilson,

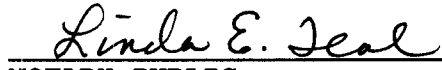


Affidavit-Gwendolyn C. Mosley
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inmate Kegler was seen on May 5, 2005 by the Health Care Doctor as a new patient. Due to having hypertension, inmate Kegler had requested to transfer back to Hamilton A & I. Per the doctor, there is no indication that a medical transfer for inmate Kegler is necessary. Inmate Kegler is making a false accusation about the water in order to manipulate a transfer back to Hamilton A & I. I have not violated inmate Kelger's constitutional rights.


Gwendolyn C. Mosley

SWORN TO AND SUBSCRIBED TO before me this the 29th day of
August, 2005.


NOTARY PUBLIC

My Commission Expires: 7-15-07

City of Clio

We're pleased to present to you this year's Annual Quality Water Report. This report is designed to inform you about the quality water and services we deliver to you every day. Our constant goal is to provide you with a safe and dependable supply of drinking water. We want you to understand the efforts we make to continually improve the water treatment process and protect our water resources. We are committed to ensuring the quality of your water.

The City of Clio completed our Source Water Protection Plan in 1994. This plan helps insure quality drinking water is supplied to our customers. I'm pleased to report that our drinking water is safe and meets federal and state requirements. If you have any questions about this report or concerning your water utility, please contact Danny Pelham at 334-397-2723. We want our valued customers to be informed about their water utility. If you want to learn more, please attend any of our regularly scheduled meetings. They are held on the first Tuesday of each month at the Clio City Hall, 3311 Elamville Street, Clio, Alabama at 10:00 a.m.

COUNCIL

Edward Shehane, Mayor
L.G. McNair, District 2
Robert Cox, District 4

Billy Price, Mayor ProTem, Dist.2
Kenneth Johnson, District 3
Joe Strickland, District 5

The City of Clio routinely monitors for constituents in your drinking water according to Federal and State laws. This table shows the results of our monitoring for the period of January 1st to December 31st, 2003. All drinking water, including bottled drinking water, may be reasonably expected to contain at least small amounts of some constituents. It's important to remember that the presence of these constituents does not necessarily pose a health risk.

PLAIN LANGUAGE DEFINITIONS

Non-Detects (ND) - laboratory analysis indicates that the constituent is not present.

Not Required (NR) - Laboratory analysis not required due to waiver granted by the Environmental Protection Agency for the State of Alabama.

Parts per million (ppm) or Milligrams per liter (mg/l) - one part per million corresponds to one minute in two years or a single penny in \$10,000.

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Millirems per year (mrem/yr) - measure of radiation absorbed by the body.

Nephelometric Turbidity Unit (NTU) - nephelometric turbidity unit is a measure of the clarity of water. Turbidity in excess of 5 NTU is just noticeable to the average person.

Variances & Exemptions (V&E) - State or EPA permission not to meet an MCL or a treatment technique under certain conditions.

Action Level (AL) - the concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.

Treatment Technique (TT) - (mandatory language) A treatment technique is a required process intended to reduce the level of a contaminant in drinking water.

Maximum Contaminant Level - (mandatory language) The "Maximum Allowed" (MCL) is the highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

Maximum Contaminant Level Goal - (mandatory language) The "Goal" (MCLG) is the level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

Table of Primary Contaminants

At high levels some primary contaminants are known to pose a health risks to humans. This table provides a quick glance of any primary contaminant detections.

AMOUNT			AMOUNT		
CONTAMINANT	MCL	DETECTED	CONTAMINANT	MCL	DETECTED
Biological			Endothall	100	ND
Total Coliform Bacteria	< 5%	0	Endrin	2	ND
Turbidity	TT	0.32	Epichlorohydrin	TT	ND
Chemical			Glyphosate	700	ND
Beta/photon emitters (mrem/yr)	4	ND	Heptachlor	400	ND
Alpha emitters (pci/l)	15	5.9+1.2	Heptachlor epoxide	200	ND
Combined radium (pci/l)	5	0.3/-0.7	Hexachlorobenzene	1	ND
Inorganic			Hexachloropentadiene	1	ND
Antimony (ppb)	6	ND	Lindane	200	ND
Arsenic (ppb)	50	ND	Methoxychlor	40	ND
Asbestos (MFL)	7	ND	Oxamyl [Vydate]	200	ND
Barium (ppm)	2	ND	PCBs	500	ND
Beryllium (ppb)	4	ND	Pentachlorophenol	1	ND
Cadmium (ppb)	5	ND	Picloram	500	ND
Chromium (ppb)	100	ND	Simazine	4	ND
Copper (ppm)	AL=1.3	ND	Toxaphene	3	ND
Cyanide (ppb)	200	ND	Benzene	5	ND
Fluoride (ppm)	4	ND	Carbon Tetrachloride	5	ND
Lead (ppb)	AL=15	ND	Chlorobenzene	100	ND
Mercury (ppb)	2	ND	Dibromochloropropane	200	ND
Nitrate (ppm)	10	ND	O-Dichlorobenzene	600	ND
Nitrite (ppm)	1	ND	p-Dichlorobenzene	75	ND
Selenium	50	ND	1,2-Dichloroethane	5	ND
Thallium	2	ND	1,1-Dichloroethylene	7	ND
Organic Chemicals			Cis-1,2-Dichloroethylene	70	ND
2,4-D	70	ND	trans-1,2-Dichloroethylene	100	ND
2,4,5-TP (Silvex)	50	ND	Dichloromethane	5	ND
Acrylamide	TT	ND	1,2-Dichloropropane	5	ND
Alachlor	2	ND	Ethylbenzene	700	ND
Atrazine	3	ND	Ethylene dibromide	50	ND
Benzo(a)pyrene[PHAs]	200	ND	Styrene	100	ND
Carbofuran	40	ND	Tetrachloroethylene	5	ND
Chlordane	2	ND	1,2,4-Trichlorobenzene	70	ND
Dalapon	200	ND	1,1,1-Trichloroethane	200	ND
Di-(2-ethylhexyl)adipate	400	ND	1,1,2-Trichloroethane	5	ND
Di(2-ethylhexyl)phthalates	6	ND	Trichloroethylene	5	ND
Dinoseb	7	ND	TTHM	100	ND
Diquat	20	ND	Toluene	1	ND
Dioxin[2,3,7,8-TCDD]	30	ND	Vinyl Chloride	2	ND
			Xylenes	10	ND

In addition to the primary drinking water contaminants, the utility monitors regularly for the following unregulated and secondary contaminants as regulated by the Alabama Department of Environmental Management. The ADEM has proposed regulations under consideration at the time of this publication to require any detects of these contaminants to be reported in all subsequent water quality reports. The requirement of this additional monitoring and reporting will further ensure the safety of your drinking water and will keep you, as a utility customer, more informed.

Unregulated Contaminants Table

CONTAMINANT	Average	Range	CONTAMINANT	Average	Range
1,1 - Dichloropropene	ND	0.000 - 0.000	Chloroform	1.44	0.000 - 1.44
1,1,1,2-Tetrachloroethane	ND	0.000 - 0.000	Chloromethane	1.63	0.000 - 0.000
1,1,2,2-Tetrachloroethane	ND	0.000 - 0.000	Dibromochloromethane	ND	0.000 - 0.000
1,1-Dichloroethane	ND	0.000 - 0.000	Dibromomethane	ND	0.000 - 0.000
1,2,3 - Trichlorobenzene	ND	0.000 - 0.000	Dicamba	ND	0.000 - 0.000
1,2,3 - Trichloropropane	ND	0.000 - 0.000	Dichlorodifluoromethane	3.23	0.000 - 0.000
1,2,4 - Trimethylbenzene	ND	0.000 - 0.000	Dieldrin	ND	0.000 - 0.000
1,3 - Dichloropropane	ND	0.000 - 0.000	Hexachlorobutadiene	ND	0.000 - 0.000
1,3 - Dichloropropene	ND	0.000 - 0.000	Isopropylbenzene	ND	0.000 - 0.000
1,3,5 - Trimethylbenzene	ND	0.000 - 0.000	M-Dichlorobenzene	ND	0.000 - 0.000
2,2 - Dichloropropane	ND	0.000 - 0.000	Methomyl	ND	0.000 - 0.000
3-Hydroxycarbofuran	ND	0.000 - 0.000	MTBE	ND	0.000 - 0.000
Aldicarb	ND	0.000 - 0.000	Metolachlor	ND	0.000 - 0.000
Aldicarb Sulfone	ND	0.000 - 0.000	Metribuzin	ND	0.000 - 0.000
Aldicarb Sulfoxide	ND	0.000 - 0.000	N - Butylbenzene	ND	0.000 - 0.000
Aldrin	ND	0.000 - 0.000	Naphthalene	ND	0.000 - 0.000
Bromobenzene	ND	0.000 - 0.000	N-Propylbenzene	ND	0.000 - 0.000
Bromochloromethane	ND	0.000 - 0.000	O-Chlorotoluene	ND	0.000 - 0.000
Bromodichloromethane	2.07	0.000 - 2.07	P-Chlorotoluene	ND	0.000 - 0.000
Bromoform	1.79	0.000 - 1.79	P-Isopropyltoluene	ND	0.000 - 0.000
Bromomethane	ND	0.000 - 0.000	Propachlor	ND	0.000 - 0.000
Butachlor	ND	0.000 - 0.000	Sec - Butylbenzene	ND	0.000 - 0.000
Carbaryl	ND	0.000 - 0.000	Tert - Butylbenzene	ND	0.000 - 0.000
Chloroethane	ND	0.000 - 0.000	Trichlorofluoromethane	ND	0.000 - 0.000

SECONDARY CONTAMINANTS TABLE

CONTAMINANT	MCL	UNIT MEASUREMENT	CONTAMINANT	MCL
MEASUREMENT				

Amount detected				Amount			
detected							
Aluminum	0.2	PPM	ND	Manganese	0.05	ND	PPM
Chloride	250	PPM	7.22	Odor	3	ND	Threshold #
Color	15	Units	ND	Silver	0.1	ND	PPM
Copper	1	PPM	ND	Sulfate	250	0.89	PPM
Foaming Agents	0.5	PPM	ND	Total Dissolved Solids	500	234	PPM
Iron	0.3	PPM	ND	Zinc	5	ND	PPM

Special Table

Amount Detected		Amount Detected	
Calcium	ND	Hardness CaCo3	ND
Magnesium	ND	Alkalinity	ND
Sodium	ND	PH	9.0

Table of Detected Contaminants

Contaminant	Violation Y/N	Level Detected	Unit Measureme	MCLG	MCL	Likely Source of Contamination
3. Turbidity	NO	0.32		n/a	TT	Soil runoff
5. Alpha emitters	NO	5.9+1.2	pCi/l	0	15	Erosion of natural deposits
6. Combined radium	NO	0.3/-0.7	pCi/l	0	5	Erosion of natural deposits

TABLE OF SECONDARY DETECTED CONTAMINANTS

CONTAMINANT	MCL	UNIT MEASUREMENT	CONTAMINANT	MCL	MEASUREMENT
Amount detected					
Iron	0.3	PPM	Manganese	0.05	0.012 PPM
			Total Dissolved Solids	500	260 PPM

Table of Unregulated Detected Contaminants

CONTAMINANT	AMOUNT DETECTED	CONTAMINANT	AMOUNT DETECTED
Bromodichloromethane	2.07	Dibromochloromethane	3.23
Chloroform	1.44	Bromoform	1.79

GENERAL INFORMATION

The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.

Some people may be more vulnerable to contaminants in drinking water than the general population. People who are immuno-compromised, such as cancer patients undergoing chemotherapy, organ transplant recipients, HIV/AIDS positive or individuals with other immune system disorders, some elderly, and infants, can be particularly at risk from infections. Those at risk should seek advice about drinking water from the health care providers. EPA/CDC guidelines on appropriate means to lessen the risk of infection by *Cryptosporidium* and other microbial contaminants are available from the Safe Drinking Water Hotline (1-800-426-4791).

All drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. **More information about contaminants and potential health effects can be obtained by call the Environmental Protection Agency's Safe Drinking Water Hotline (1-800-426-4791).**

Based on a study conducted by ADEM with the approval of the EPA, a statewide waiver for the monitoring of Asbestos and Dioxin was issued. Thus, monitoring for these contaminants was not required.

MCL's are set at very stringent levels. To understand the possible health effects described for many regulated constituents, a person would have to drink two liters of water every day at the MCL level for a lifetime to have a one-in-a-million chance of having the described health effect.

Alpha emitters. Certain minerals are radioactive and emit a form of radiation known as alpha radiation. People who drink water containing these alpha emitters in excess of the MCL over many years may have an increased risk of cancer.

The City of Clio water resource is groundwater. We utilize two wells. Well #3 is located on Barbour County Road 15 and draws from the Clayton Aquifer. Well #4 located on Blue Springs Street has the pumping capacity of 850 GPM from the Tuscaloosa Aquifer. The water we provide to our customers requires no specialized treatment. However, chlorine is added for disinfection purposes.

We at the Town of Clio work around the clock to provide top quality water to every tap. We ask that all our customers help us protect our water sources, which are the heart of our community, our way of life and our children's future.

TOWN OF CLIO
P.O. BOX 219
CLIO, AL.36017

Annual Drinking Water Quality Report Town of Clio

Annual Drinking Water Quality Report January-December 2004

City of Clio

We're pleased to present to you this year's Annual Quality Water Report. This report is designed to inform you about the quality water and services we deliver to you every day. Our constant goal is to provide you with a safe and dependable supply of drinking water. We want you to understand the efforts we make to continually improve the water treatment process and protect our water resources. We are committed to ensuring the quality of your water. We utilize two wells and our water resource is groundwater. Well #3 is located on Barbour County Road 15 and draws from the Clayton Aquifer. Well #4 located on Blue Springs Street has the pumping capacity of 850 GPM from the Tuscaloosa Aquifer. The water we provide to our customers requires no specialized treatment. However, chlorine is added for disinfection purposes.

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COUNCIL

♦Jack Pelfrey, Mayor
♦Judy Riley, Mayor Pro-Tem

♦Stephanie Sapp
♦Beverly Clark

♦Matthew White
♦Kenneth Johnson

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TABLE OF DETECTED CONTAMINANTS

Contaminant	Violation Y/N	Level Detected	Unit Measureme	MCLG	MCL	Likely Source of Contamination
Turbidity 2004 Test Results	NO	Range 0.31-1.05		n/a	TT	Soil runoff
Alpha emitters	NO	5.9+1.2	pCi/l	0	15	Erosion of natural deposits
Combined radium	NO	0.3/-0.7	pCi/l	0	5	Erosion of natural deposits
Fluoride 2004 Test Results	NO	Range 0.71-1.07	ppm	4	4	Erosion of natural deposits; water additive which promotes strong teeth; discharge from fertilizer and aluminum factories

TABLE OF DETECTED SECONDARY CONTAMINANTS (TEST RESULTS 2004)

CONTAMINANT	MCL	RANGE OF DETECTS	CONTAMINANT	MCL	RANGE OF DETECTS
Aluminum	0.2	0.067-0.204	Manganese	0.05	ND-0.012
Chloride	250	13.0-16.4	Zinc	5	ND-0.061
Color	15	5-10	Lead	0.015	ND-0.044
Copper	1	ND-0.054	Sulfate	250	97.5-129
Iron	0.3	ND-0.359	Total Dissolved Solids	500	168-248

TABLE OF SPECIAL CONTAMINANTS (TEST RESULTS 2004)

CONTAMINANT	RANGE OF DETECTS	CONTAMINANT	RANGE OF DETECTS
Calcium	1.6-2.84	Hardness CaCo3	3.01-7.80
Sodium	97.5-129	Alkalinity	163-236
Langelier Index	-0.38 +0.95	PH	8.75-9.769.0
Specific Conductance	436-501		

TABLE OF UNREGULATED DETECTED CONTAMINANTS

CONTAMINANT	RANGE OF DETECTS	CONTAMINANT	RANGE OF DETECTS
Bromodichloromethane	1.60	Dibromochloromethane	2.45
Chloroform	1.26	Bromoform	1.35

GENERAL INFORMATION**Health effects:**

- Lead: Infants and young children are typically more vulnerable to lead in drinking water than the general population. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home plumbing. If you are concerned about elevated lead levels in your home's water, you may wish to have your water tested and flush your tap for 30 seconds to 2 minutes before using tap water. Additional information is available from the Safe Drinking Water Hotline (800-426-4791).

NOTICE OF VIOLATION: The City of Clio incurred a violation in 2004 with the Alabama Department of Environmental Management due to failure to submit Monthly Operational Reports for the months of January 2002, and February 2003 through January 2004. Reports are due by the 10th of the month following the reporting period.

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Jack Pelfrey
Mayor

Judy Riley
Mayor Pro-Tem

Vivian Hagler
City Clerk

City of Clio

3311 Elamville Street
Post Office Box 219
Clio, Alabama 36017
(334) 397-2723

Council Members:

Beverly Clark
Stephanie Sapp
Kenneth Johnson
Matthew White



August 25, 2005

Easterling Correctional Facility
Lieutenant Willie Bryant
200 Wallace Drive
Clio, Alabama 36017

RE: Alabama Department of Environmental Management Mandated Water Testing

Dear Lieutenant Bryant,

The City of Clio provides water to 934 households and Easterling Correctional Facility, serving a population of approximately 5,000 people.

Water testing requirements from the Alabama Department of Environmental Management (ADEM) and the Environmental Protection Agency (EPA) are strictly adhered to.

We have had no complaints of skin rashes or other health related problems related to water consumption. Therefore, we have no reason to suspect the water supply to be the culprit of rashes.

Please find attached copies of *Water Quality Reports* (for both 2003 & 2004) that are published by our office annually. These reports meet stringent guidelines set forth by ADEM and EPA.

If we may be of further service to you please call this office between the hours of 8:00 AM and 4:00 PM, Monday thru Friday.

Sincerely,

Vivian Hagler
City Clerk